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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,497	08/27/2001	Maria K. Boden Wastfelt	012889-086	3731

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EXAMINER

LANDSMAN, ROBERT S

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 10/06/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,497

Applicant(s)

BODEN WASTFELT ET AL.

Examiner

Robert Landsman

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) 2-7, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 9, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/276,141.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Formal Matters

- A. Amendment C, filed 8/7/03, has been entered into the record.
- B. Amendment B, filed 6/12/03, has been entered into the record.
- C. Claims 2-7 and 9-13 are pending in this Office Action. Claims 2-7 and 10-11 have been withdrawn as being drawn to non-elected subject matter. Therefore, claims 9, 12 and 13 are the subject of this Office Action. Claims
- D. All Statutes under 35 USC not found in this Office Action can be found, cited in full, in a previous Office Action.
- E. Though not objected to at this time, it is suggested that the nucleic acid sequence of claim 6 be identified only by the appropriate sequence identifier as set forth in the "Sequence Listing" as required by 37 CFR 1.821(d). Applicants are requested to remove the recitation of the sequence from the claim. Reciting the sequence itself is awkward, difficult to consider, and increases the possibility of printer errors. No objection is being made at this time since claim 6 is drawn to a non-elected invention. However, if this claim is rejoined upon the finding of any allowable subject matter, this issue will need to be addressed.

2. Oath/Declaration

- A. The objection to the Declaration has been withdrawn in view of Applicants submission of a new Declaration with initialed changes.

3. Specification

- A. The specification is objected to since neither Figures 8-11, nor the Brief Description of the Drawings for these Figures, provide sequence identifiers. If new SEQ ID NOs are added, then Applicants are required to submit a new sequence listing and disk, as well as a statement that both the disk and sequence listing are identical and contain no new matter. Furthermore, the sequences on page 11, lines 27-35 and page 12, lines 4-6 also need sequence identifiers. See 37 CFR 1.821-1.825.

4. Claim Objections

- A. The objection to claim 9 has been withdrawn in view of Applicants' amendment to the claim to recite "A pharmaceutical." However, new objections to claim 9 appear below.

Art Unit: 1647

B. Claim 9 is objected to since the syntax could be improved by replacing the word "a" in "comprising a fibrinogen" with "the."

C. Claims 9, 12 and 13 are objected to since claim 12 recites "derived from." The syntax could be improved by replacing this phrase with, for example, "obtained from" or "isolated from." Claims 9 and 13 are objected to since they depend from claim 12.

5. Claim Rejections - 35 USC § 102

A. The rejection of claims 9, 12 and 13 under 35 USC 102(b) as being anticipated by Palma et al. has been withdrawn in view of Applicants' argument that the present invention receives priority at least to PCT/SE93/00759. The effective U.S. filing date is 5/23/94. Applicants have amended the first line of the specification to reflect this priority. Therefore, the present invention deserves priority prior to the 1998 publication date of Palma et al.

B. Claims 9, 12 and 13 remain rejected under 35 USC 102(b) as being anticipated by Boden et al. Applicants argue that the present invention deserves priority as far back as its swedish application 9202720-0, filed 9/21/92. However, the present application is a CON of PCT/SE93/00759 and is not the National Stage entry. Therefore, the effective U.S. filing date of the present application is 5/23/94, the filing date of U.S. Application 08/244,229. The Boden et al. reference was published 4/92, more than 1 year prior to the effective U.S. filing date and is, therefore, considered prior art under 35 USC 102(b).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1647

Advisory information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Landsman whose telephone number is (703) 306-3407. The examiner can normally be reached on Monday - Friday from 8:00 AM to 5:00 PM (Eastern time) and alternate Fridays from 8:00 AM to 5:00 PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623.

Official papers filed by fax should be directed to (703) 308-4242. Fax draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Robert Landsman, Ph.D.
Patent Examiner
Group 1600
October 03, 2003


ROBERT LANDSMAN
PATENT EXAMINER